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In re Application of
GOVAERTS
Application No.: 10/520,167
PCT No.: PCT/DK03/00471
Int. Filing Date: 03 July 2003
Priority Date: 04 July 2002
Atty Docket No.: 66722-067-7
For: WIRELESS COMMUNICATION SYSTEMS

DECISION ON PETITION

UNDER 37 CFR 1.181

This is a decision on applicant's "Request For Corrected Notice of Acceptance And Filing Receipt" filed 21 August 2005 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 04 January 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a first preliminary amendment.

On 14 February 2005, applicant filed an executed combined declaration and power of attorney and assignment document.

On 10 August 2005, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 04 January 2005.

On 21 August 2005, applicant filed the present petition claiming that the 371 requirements were satisfied on 14 February 2005.

DISCUSSION

A review of the application file finds the original declaration and power of attorney contained therein. The document is stamped "OIPE JC174 FEB 14 2005 Patent & Trademark Office." Thus, it is clear that the subject paper was filed in the USPTO on 14 February 2005. The combined declaration and power of attorney was the last of the 35 U.S.C. 371 requirements

to be satisfied. As such, it is proper to grant applicant's petition at this time. In addition, the declaration and international application show that the country of origin of the priority document was Denmark, not Panama as reflected on the filing receipt. This item will be changed as well.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application will be given an international filing date of 03 July 2003 under 35 U.S.C. 363 and a date of **14 February 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 10 August 2003 indicating a date of 04 January 2005 under 35 U.S.C. 371(c) is hereby **VACATED**.

As authorized, the \$130.00 surcharge for providing an oath or declaration of the inventor later than thirty months from the claimed priority date will be charged to Deposit Account No.: 04-2223.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.



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